IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE 200' E on a private drive off * DEPUTY ZONING COMMISSIONER Dorset Hill Court, 580'+/- NW of the c/l of Walnut Avenue * OF BALTIMORE COUNTY (5 Dorset Hill Court) 4th Election District * Case No. 89-548-A 3rd Councilmanic District

> Petitioners * * * * * * * * * * FINDINGS OF FAC AND CONCLUSIONS OF LAW

Pobert Max, et ux

The Petitioners herein request a variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard with a height of 17.5 feet in lieu of the maximum permitted 15 feet in accordance with Petitioner's Exhibit 1.

The Petitioners, by Robert Max, appeared and testified. There

were no Protestants. Testimony indicated that the subject property, known as 5 Dorset Hill Court, consists of 1.3 acres zoned R.C. 5 and is improved with a single family dwelling. Petitioners propose constructing a two story garage and shed in the side yard as set forth in Petitioner's Exhibit 1. \supset Testimony indicated that due to the location of the existing dwelling, well, and septic system, the proposed site for the garage is the most feasible location. Petitioner testified the proposed height of the garage is necessary to provide adequate storage space for his growing family. Further testimony indicated the proposed garage has been designed in keeping with the architectural character of the existing dwelling and surrounding homes in the community. Petitioner testified the size and design of the proposed garage were approved by the neighborhood architectural committee. Testimony indicated the variances requested will not result in any detriment to the health, safety or general welfare of the community.

PETITION FOR ZONING VACANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1004.3, A, Par. 3 to allow a 40 foot building set back

400.1, 400.3 To allow an accessory structure (garage) to be located in the side yard with a height of 171 ft in lieu of the required rear-yard 1-15-ft respectively of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The layout and orientation

line from the lot line for a proposed garage instead of a 50 foot

set-back as set forth under the aforementioned section-

of the existing house and driveway dictate that the proposed garage

further back than the rear building line of the house due to existing

southerly from the house to the storage tank. Based on the proposed construction of a 22'x 33' garage, they would protude the building

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Legal Owner(s):

Robert Max

(Type or Print Name)

(Typé or Print Name) /

Robert Max

Shorset Hill Ct.

be placed on the south side of the house. It is desirable for the

rear building line of the proposed garage to be no more than 4'

topography and the path of the septic system piping travelling

Property is to be posted and advertised as prescribed by Zoning Regulations.

ORDERED By The Zoning Commissioner of Baltimore County, this

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

set-back line by a maximum of 10 feet.

Contract Purchaser:

City and State

Attorney for Petitioner:

(Type or Print Name)

(Type or Print Name)

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____day of July, 1989 that the Petition for Zoning Variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard with a height of 17.5 feet in lieu of the maximum permitted 15 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facil3) Petitioner shall not allow or cause the proposed structure to be used for commercial purposes.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

(I-MN'skyonic ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 23, 1989 Zoning Commissioner

FROM: Pat Keller. Deputy Director Office of Planning and Zoning SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-548-A

Item No. 445

Re: Robert Max, et ux

The Petitioners request a variance to allow an accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to allow a garage height of 17.5 feet in lieu of the permitted 15 feet. In reference to this request, staff offers the following comment:

This office has no objection to the requested variances. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage and limiting the storage to being the personal property of occupants of the principal dwelling only.

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LAYLAND

as follows:
Petition for Zoning Variance Case number: 89-548-A
200 ft. E on private drive off Dorset Hill Court at a point 580 ft. +/- NW of c/l of Walnut Avenue

Avenue #5 Dorset Hill Court 4th Election District

Variance: to allow a cessory structure (garagr. located in the side var Cd quired rear yard and. Action the sevent that govern

NOTICE OF HEARING

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on functs. 19 59

> THE JEFFERSONIAN. Publisher

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Mr. 2 Mrs. Robert Max

5 Dorset Hill Court

Dennis F. Rasmussen

Owings Mills, Maryland 21117 RE: PETITION FOR ZONING VARIANCE

200' E on a private drive off Dorset Hill Court, at a point 580'+/- NW of the c/l of Walnut Avenue (5 Dorset Hill Court) 4th Election District - 3rd Councilmanic District Robert Max, et ux - Petitioners

Dear Mr. & Mrs. Max:

AMN:bjs

File

Case No. 89-548-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

July 18, 1989

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, 1 Minterior, -ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

cc: People's Counsel

CERTIFICATE OF POSTING 89-548-A ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Petitioner: Robert Map, et up Location of property: 200 FT. & on private drive off Dorset Hill Court 580.

NW of C/r of Malnut arenue, # 5 Dorset Hill Court Location of Signs: In front of 5 Downt Hill Court

Posted by S.J. anta Date of return: June 23, 1959 Number of Signs: ____

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

May 31, 1989

NOTICE OF HEARING



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Varince CASE NUMBER: 89-548-A 200 ft. E on private drive off Dorset Hill Court at a point 580 ft.: NJ of c/l of Walnut Avenue #5 Dorset Hill Court 4th Election District - 3rd Councilmanic

HEARING SCHEDULED: TUESDAY, JULY 11, 1989 at 2:00 p.m.

Variance: To allow an accessory structure (garage) to be located in the side yard with a height of $17\frac{1}{2}$ ft. in lieu of the required rear yard and 15 ft., respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Mr. & Mrs. Max

Petitioner(s): Robert Max, et ux

ZONING DESCRIPTION

Beginning at a point on the east side of Dorset Hill Court, 50 feet wide, at a distance of 580± from the centerline of Walnut Avenue, being Lot No. 1 o. the Dorset Hills Resubdivision recorded in Plat Book 49, Folio 94. Also known as 5 Dorset Hill Court in the 4 Election District.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 15, 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper, published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on June 15, 19 17.

5: Zete Olm

Beterrore County, by authorny or the Zoning Act and Regulations of Betirmore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeaks Av-erue in Towson, Maryland 21204 as follows: Avenue #5 Dorset Hill Court #th Election District 3rd Councilmanic Hearing Date: Tuesday, July 11, 1989 at 2:00 p.m. Variance: to allow an ac-In the event that this Petition is granted, a building permit may be issued, within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issue. suance of said permit during this period for good cause shown.
Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINL J/O/6/239 June 15.

NOTICE OF HEARING

coning Commissioner of Baltimore County.

I/We do solemnly declare and affirm,

under the penalties of perjury, that I/we are the legal owner(s) of the property

5 borset Hill Ct. 363-7519

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

which is the subject of this Petition.

7861.













